

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MICHAEL BIES,

Petitioner,

-vs-

MARGARET BAGLEY, Warden,

Respondent.

:

Case No. 1:00-cv-682

:

District Judge Susan J. Dlott
Chief Magistrate Judge Michael R. Merz

**ORDER WAIVING PETITIONER'S SIGNATURE AND ORDERING CLARIFICATION
OF RECORD**

This case is before the Court on Petitioner's Suggestion of Status Conference (Doc. No. 94). The Court has set a conference to deal with item 3, a schedule for resolution of the newly-pled claim. The other two items in the Suggestion need not await the conference.

Counsel point out that, although he signed the original Petition, Petitioner has not signed the Third Amended Petition because of time constraints. Rule 2 of the Rules Governing §2254 cases was amended, effective December 1, 2004, to require that the petition be signed either by the petitioner "or by a person authorized to sign it for the petitioner under 28 U.S.C. §2242." Amendments to Rules adopted under the Rules Enabling Act apply to pending actions unless application would be infeasible or would work an injustice, neither of which applies here. Accordingly, the Third Amended Petition, which has been signed by counsel, need not be signed by the Petitioner.

In accordance with the second suggestion, Petitioner's counsel shall collect all the post-2000 pleadings, arrange them chronologically, and deliver them to Respondent's counsel for numbering in

a manner consistent with the Appendix previously submitted by Respondent.

May 2, 2005.

s/ **Michael R. Merz**
Chief United States Magistrate Judge